IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

CRP.No. 21 of 2005()

CR.280/1977 of TALUK LAND BOARD, ERNAD

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REVN. PETITIONER:

STATE OF KERALA

BY GOVERNMENT PLEADER SMT. R. BINDU

RESPONDENTS:

KOLOTHUMTHODI ABDULKHADER,
S/O.KUNHALI HAJI, IRUVETTI, KAVANUR VILLAGE.

BY ADV. SRI.K.M.SATHYANATHA MENON

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No. 21 OF 2005 G

Dated this the 21st August, 2007.

O R D E R

This revision petition is preferred against the order of the Taluk Land Board, Ernad. The question that had arisen for consideration is regarding the status of the person that whether he is an individual or a family as contemplated under the provisions of the Kerala Land Reforms Act in order to fix the ceiling area. The Land Board found that there was a nikah in 1969 and so the status of the assessee was treated as a family to hold 10 standard acres of land. It is against that decision the state government have come up in revision. The learned Govt. Pleader has brought to my attention the pleadings of the declarant which may indicate that the marriage was fixed in 1969 and the marriage was celebrated on 14th of May 1972. In the first counter statement also there is a recital to that effect. The learned Government Pleader brought to my notice that by a subsequent amendment they wanted to correct the word in 1972 as ..... instead of nikah. The Taluk Land Board has not considered these matters but came to the conclusion that the nikah was conducted in 1969 and therefore the assessee had attained the status of a family

as on 1.1.1970 and therefore not liable to surrender any land. In the light of the pleadings the matter requires reconsideration and the Taluk Land Board which is deciding the matter on facts should consider the various pleadings, inconsistent pleadings, the evidence, the counter evidence etc. to arrive at a proper decision in the matter. Therefore the order under challenge is set aside and the matter is remitted back to the Taluk Land Board with a direction to consider the matter afresh after permitting both sides to produce documents and adduce evidence in support of their respective contentions. Parties are directed to appear before the court below on 3.10.2007. C.R.P is disposed of accordingly.

M.N.KRISHNAN
Judge

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